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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re Application of: David G. Way

Serial No.: 09/923,862

Filing Date: August 6, 2001

Title: TUNABLE CHANNEL SPACING FOR
WAVELENGTH DIVISION MULTIPLEXING
(WDM) TRANSPORT SYSTEMRECEIVED
JUL 24 2002Honorable Assistant Commissioner
for Patents

Washington, D.C. 20231

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Willie Tiles

Name

July 9, 2002

Date of Signature

Express Mail No. EL 953702265 US

INFORMATION DISCLOSURE STATEMENT

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Copies of these references are enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. § 1.97(h), no representation is made that these references qualify as prior art or that these references are material to the patentability of the present application.

Enclosed is a copy of a PCT International Search Report identifying the references contained in this Information Disclosure Statement. The PCT International Search Report has

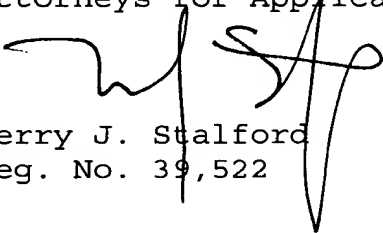
a mailing date of June 21, 2002. Therefore, I hereby certify that the references contained in this Information Disclosure Statement were cited for the first time in a communication from a foreign patent office in a related foreign application not more than three months prior to the filing of this Information Disclosure Statement. Furthermore, in the event a patent term adjustment is requested, pursuant to the requirements of 37 C.F.R. § 1.704, Applicants submit that the references contained in this Information Disclosure Statement were received from a foreign patent office in a related foreign application not more than thirty (30) days prior to the filing of this Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(c), Applicant believes that this Information Disclosure Statement has been filed before the mailing date of a final action or notice of allowance. Therefore, Applicant believes that no fee is due. However, if a fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants



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Date: 7/9/02

PTO-1449		Application No. 09/923,862		Applicant(s) David G. Way	
Information Disclosure Citation In an Application		Docket Number 064731.0254	Group Art Unit	Filing Date August 6, 2001	

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U.S. PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A						
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						

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FOREIGN PATENT DOCUMENTS								
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M	EP 0759 681 A2	02/26/97	EPO	H04Q 11/00		X	
	N	WO 00/34972	06/15/2000	PCT	H01J		X	
	O	WO 02/11341 A2	02/07/2002	PCT	H04J 14/02		X	
	P							
	Q							

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	R	J. Roldán et al., "New Algorithm for Management of the Optical Spectrum in Multiwavelength Optical Networks," <i>Integrated Optoelectronics</i> , 1994, Proceedings of IEE/LEOS Summer Topical Meetings, 2 pages.	1994
	S	International Search Report in International Application No. PCT/US 01/41598, dated June 21, 2002, 7 pages.	June 21, 2002
	T		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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